

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

JEFFREY SIMPSON,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION
)	FILE NO. _____
UBER USA, LLC, RAISER, LLC,)	
UBER TECHNOLOGIES, INC., and)	
TARONDA RENEE HARRISON,)	
)	
Defendants.)	

NOTICE OF REMOVAL

COME NOW, Defendant UBER USA, LLC (“Defendant Uber USA” herein), Defendant RASIER, LLC, improperly identified as Raiser, LLC (“Defendant Rasier” herein), and Defendant UBER TECHNOLOGIES, INC (“Defendant UTI herein”) (Defendant Uber USA, Defendant Rasier, and Defendant UTI, collectively, “Defendants”), named Defendants in the above-styled action, and petition this Court for removal of this action from the State Court of Gwinnett County to the United States District Court for the Northern District of Georgia, Atlanta Division, and respectfully show the Court as follows:

1.

Plaintiff filed a civil action in the State Court of Gwinnett County, which is styled as follows: *Jeffrey Simpson v. Uber USA, LLC, Raiser, LLC, Uber Technologies, Inc., and Taronda Renee Harrison*, Civil Action File No. 21-C-04524-S1. (True and correct copies of all process, pleadings and orders received by counsel for Defendants in such action are attached hereto and incorporated herein as Exhibit “A”). Defendants are filing an answer to Plaintiff’s Complaint for Damages (“Complaint”) contemporaneously herewith, within the time permitted by Federal Rule of Civil Procedure 81(c).

2.

Plaintiff filed his Complaint with the State Court of Gwinnett County on June 18, 2021. (*See Complaint*).

3.

Defendants were each served with a copy of Plaintiff’s Summons and Complaint on June 23, 2021, and Plaintiff’s counsel filed Affidavits of Service with the State Court of Gwinnett County reflecting such service on Defendants on June 29, 2021. Thus, because this Notice of Removal is being filed within twenty-

one (21) days of service on Defendants, Defendants' request for Removal is timely.

4.

Plaintiff alleges that he sustained injuries in a motor vehicle accident that occurred on February 16, 2019 in Atlanta, Fulton County, Georgia. (*See, generally, the Complaint*).

5.

Plaintiff is a citizen of the State of Georgia (*See Complaint*, ¶ 1).

6.

According to Plaintiff's Complaint, Defendant Harrison is a citizen of the State of Louisiana and currently resides at 3157 Gentilly Boulevard, New Orleans, Louisiana 70122. (*See Complaint*, ¶ 2). As of the date of the filing of this Notice of Removal, nothing has been filed with the State Court of Gwinnett County by Plaintiff and/or Plaintiff's counsel indicating that Defendant Harrison has been served with a copy of Plaintiff's Summons or Complaint. As a result, Defendant Harrison cannot "consent" to Defendants' Notice of Removal as of the date that this Notice of Removal is filed with this Court.

7.

Defendant Uber USA is a foreign limited liability company organized and existing under the laws of the State of Delaware. (*See* a true and correct copy of the Secretary of State Statement of Information form filed by Defendant Uber USA with the California Secretary of State's Office attached hereto and made a part hereof as Exhibit "B"; *see also* a true and correct copy of the Application for Certificate of Authority filed by Defendant Uber USA with the Georgia Secretary of State's Office and the resulting Certificate of Authority issued by the State of Georgia attached hereto and made a part hereof as Exhibit "C"). Defendant Uber USA's principal business address is located at 1515 3rd Street, San Francisco, California 94158 and Defendant Uber USA may be served with process in Georgia through its registered agent, CT Corporation System at 289 South Culver Street, Lawrenceville, Georgia 30046. (*See* Exhibits B and C; *see also* Plaintiff's Complaint, ¶ 3); *see also* a true and correct copy of Defendant Uber USA's 2021 Annual Registration filed with the Georgia Secretary of State's Office attached hereto and made a part hereof as Exhibit "D").

8.

Defendant UTI is a foreign corporation organized and existing under the laws of the State of Delaware. (*See* a true and correct copy of the Amended Statement of Foreign Corporation filed by Defendant UTI with the California Secretary of State's Office attached hereto and made a part hereof as Exhibit "E"; *see also* a true and correct copy of the Corporation – Statement of Information form filed by Defendant UTI with the California Secretary of State's Office attached hereto and made a part hereof as Exhibit "F"). Defendant UTI's principal business address is located at 1515 3rd Street, San Francisco, California 94158 and Defendant UTI, who is not registered to do business in the State of Georgia, may be served with process through its registered agents located in either California or Delaware. (*See* Exhibits E and F).

9.

Defendant Rasier is a foreign limited liability company organized and existing under the laws of the State of Delaware. (*See* a true and correct copy of the Application to Register a Foreign Limited Liability Company filed by Defendant Rasier with the California Secretary of State's Office attached hereto and made a part hereof as Exhibit "G"; *see also* a true and correct copy of the 2021 Statement

of Information filed by Defendant Rasier with the California Secretary of State's Office attached hereto and made a part hereof as Exhibit "H"; *see also* a true and correct copy of the 2021 Annual Registration filed by Defendant Rasier with the Georgia Secretary of State's Office attached hereto and made a part hereof as Exhibit "I"). Defendant Rasier's principal business address is located at 1515 3rd Street, San Francisco, California 94158 and Defendant Rasier may be served in Georgia with process through its registered agent, CT Corporation System at 289 South Culver Street, Lawrenceville, Georgia 30046. (*See* Exhibits G, H, and I).

10.

Plaintiff's Complaint alleges that Defendant Harrison "operated her vehicle in a negligent manner by driving recklessly, running a red light, and driving into the side of Plaintiff's vehicle" on February 16, 2019. (*See* Complaint, ¶ 8). Plaintiff further alleges that the subject collision (1) caused Plaintiff to suffer "severe and on-going physical injuries;" (2) caused Plaintiff to incur "substantial medical expenses" that "exceed \$126,000;" (3) will cause Plaintiff to "continue to incur medical expenses for an indeterminate time into the future;" (4) caused Plaintiff, and will continue to cause Plaintiff, pain and suffering, mental anguish, and

emotional distress;” and (5) caused Plaintiff to “suffer lost wages as well as a reduction in his ability to earn wages in the future.” (*See* Complaint, ¶¶ 8, 30-34).

11.

Plaintiff seeks a judgment against Defendants to recover damages to compensate Plaintiff for his alleged pain and suffering, mental anguish, emotional distress, medical expenses, lost wages, and attorney’s fees and expenses purportedly caused, suffered and/or incurred as a result of the subject collision that forms the basis of Plaintiff’s Complaint in an amount to be proven at trial, but not less than \$126,000. (*See* Complaint, ¶¶ 30-34).

12.

Given the nature of the damages alleged by Plaintiff in the Complaint, including, but not limited to, the allegation that he has suffered severe injuries that will require future medical treatment, that will impact his future earning capacity, and that allegedly necessitated medical treatment costing in excess of \$126,000, the amount in controversy, exclusive of interest and costs, between Plaintiff and Defendants exceeds \$75,000.00.

13.

Based on the foregoing, this Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1332(a) and 1441 because (i) complete diversity exists between the named parties to this action and all served Defendants, and (ii) the amount in controversy, according to Plaintiff's Complaint, exceeds \$75,000.00.

14.

By service of a copy of this Notice of Removal, as evidenced by the Certificate of Service attached hereto, Defendants hereby give notice of such removal to Plaintiff and Defendant Harrison, who has not yet been formally served, as required by 28 U.S.C. § 1446.

15.

A true and correct copy of this Notice of Removal will be filed with the Clerk of the State Court of Gwinnett County, Georgia as required by 28 U.S.C. § 1446(d).

WHEREFORE, Defendants pray that (1) the above-captioned lawsuit be removed to the United States District Court for the Northern District of Georgia, Atlanta Division, (2) this Court take cognizance and jurisdiction over this claim

from the State Court of Gwinnett County, Georgia, and (3) this action proceed as removed and under this Court's jurisdiction pursuant to 28 U.S.C. § 1332.

The undersigned have read this Notice of Removal and, to the best of their knowledge, information, and belief, formed after reasonable inquiry, have determined it is well-grounded in fact, is warranted by existing law, and is not interposed for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation.

Respectfully submitted, this 14th day of July, 2021.

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CERTIFICATE OF SERVICE AND COMPLIANCE
WITH LOCAL RULE 5.1(B)

I HEREBY CERTIFY, that I have this day filed the **NOTICE OF REMOVAL** with the Clerk of Court, using the CM/ECF system and served a copy of the foregoing upon Plaintiff via U.S. Mail, adequate postage prepaid, addressed as follows:

Steven Loube, Esq.
LOWE LAW FIRM, P.C.
3644 Chamblee Tucker Road, Suite F
Atlanta, Georgia 30341
steven@lowelawatl.com

I further certify that the foregoing has been prepared with Times New Roman, 14 point font, in compliance with L.R. 5.1(b).

Respectfully submitted, this 14th day of July, 2021.

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